

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|                                       |   |                                     |
|---------------------------------------|---|-------------------------------------|
| ELI LILLY AND COMPANY,                | : |                                     |
|                                       | : | Civil Action No. 07-3770 (DMC) (MF) |
| <i>Plaintiff,</i>                     | : |                                     |
|                                       | : |                                     |
| v.                                    | : |                                     |
|                                       | : |                                     |
| ACTAVIS ELIZABETH LLC, GLENMARK       | : | Dennis M. Cavanaugh, U.S.D.J.       |
| PHARMACEUTICALS INC., USA, SUN        | : | Mark Falk, U.S.M.J.                 |
| PHARMACEUTICAL INDUSTRIES LIMITED,    | : |                                     |
| SANDOZ INC., MYLAN PHARMACEUTICALS    | : |                                     |
| INC., APOTEX INC., AUROBINDO PHARMA   | : |                                     |
| LTD., TEVA PHARMACEUTICALS USA, INC., | : |                                     |
| SYNTHON LABORATORIES, INC., ZYDUS     | : |                                     |
| PHARMACEUTICALS, USA, INC.,           | : |                                     |
|                                       | : |                                     |
| <i>Defendants.</i>                    | : |                                     |

**ORDER GRANTING MOTION TO SEAL**

Upon the Application of Defendants Actavis Elizabeth LLC, Sun Pharmaceutical Industries Limited, Sandoz Inc., Mylan Pharmaceuticals Inc., Apotex Inc., Aurobindo Pharma Ltd., and Teva Pharmaceuticals USA, Inc. (collectively "Defendants"), for the entry of an Order, pursuant to Local Civil Rule 5.3(c), providing for the sealing of Defendants' Opposition To Plaintiff's Motion for Reconsideration of the Court's Opinion and Order, or, in the Alternative, Certification for Interlocutory Appeal Pursuant To 28 U.S.C. § 1292(b), which was filed on February 1, 2010, and the Court having considered the papers submitted in support of this Motion, the Court hereby finds:

1. Through discovery in this case, the parties have produced confidential information, the public disclosure of which could affect legitimate business interests. To protect the confidentiality of this information, the parties agreed to maintain the

confidentiality of any produced materials pursuant to the Discovery Confidentiality Order entered in this case on August 1, 2008 (the "Confidentiality Order"), Document 206.

2. The Confidentiality Order allows the parties to designate information as "CONFIDENTIAL" (Confidentiality Order at ¶¶ 1, 2), and provides that a party wishing to use material designated "CONFIDENTIAL" in a submission filed with the Court must move under Local Rule 5.3 for leave to file the submission under seal (*id.* at ¶ 7).

3. Defendants have filed under seal, in accordance with the provisions of Local Civil Rule 5.3(c), Defendants' Opposition To Plaintiff's Motion for Reconsideration of the Court's Opinion and Order, or, in the Alternative, Certification for Interlocutory Appeal Pursuant To 28 U.S.C. § 1292(b) ("Opposition").

4. This material contains information that has been designated "CONFIDENTIAL" by Eli Lilly and Company ("Eli Lilly") in accordance with the Confidentiality Order.

5. Defendants have complied with the terms of the Confidentiality Order by moving to seal their Opposition under Local Civil Rule 5.3(c).

6. The information contained in portions of Defendants' Opposition satisfies the standards set forth in Local Civil Rule 5.3. The public release of this document, which includes confidential and proprietary business information of Eli Lilly, would greatly harm Eli Lilly's competitive and business interests. There is no less restrictive alternative to the sealing of this material.

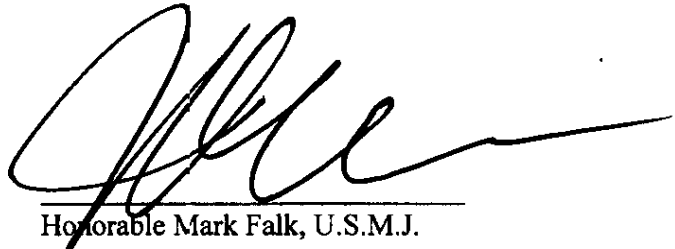
THEREFORE, it is this 18 day of March 2010,

**ORDERED** that the Motion to Seal Pursuant to Local Rule 5.3 is hereby granted;

and

**IT IS FURTHER ORDERED** that Defendants' Opposition shall remain under seal; and

**IT IS FURTHER ORDERED** that, if Defendants have not already done so as of the date of this Order, a redacted version of Defendants' Opposition be filed on the docket for public viewing.



Honorable Mark Falk, U.S.M.J.